

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 11 November 2021

**Public Authority:** The London Borough of Redbridge

**Address:** Lynton House  
255 - 259 High Road  
Ilford  
IG1 1NY

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the London Borough of Redbridge ("the Council") relating to wheelie bins. By the date of this notice, the Council had not provided a response to the requests.
2. The Commissioner's decision is that the Council has failed to respond to the requests within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - The Council must issue a substantive response to the requests in accordance with its obligations under the FOIA.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 7 June 2021, the complainant wrote to the Council and requested information in the following terms:

*"A copy of the assessment [address redacted] undertaken as part of the Borough-wide assessment of each property's suitability for storing a wheelie bin."*

6. The complainant wrote to the Council again on 7 June 2021 and requested further information in the following terms:

*"Please provide a copy of the Boroughs safety risk for the new wheelie bin rubbish collection service. Specifically, I would like details of the assessment of the introduction of wheelie bins on venerable elderly residents living alone and any mitigations identified to eliminate, or reduce any identified risks."*

7. The Council wrote to the complainant on 8 June 2021 to acknowledge the requests and informed the complainant that it would be aggregating the requests. By the date of this notice, the complainant has not received a substantive response to their requests.

## Scope of the case

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8. The complainant contacted the Commissioner on 18 October 2021 to complain about the Council's failure to respond to their request.
9. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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10. Section 1(1) of the FOIA states that:

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
12. On 26 October 2021 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
13. Despite this intervention the Council has failed to respond to the complainant.
14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**